



State of Maine
131st Maine Senate
Senate Republican Office
House Republican Office

JOINT PRESS BRIEFING – ISSUES AFFECTING THE LOBSTER INDUSTRY
FEBRUARY 14, 2023
WELCOME CENTER/PRESS ROOM
AFTER SESSION (approximately 12:30 p.m.)

What: Issues and regulations affecting the lobster industry

Who: Senators Trey Stewart, Lisa Keim, Marianne Moore, Eric Brakey
Representatives Billy Bob Faulkingham, James Thorne

Policy Goals covered in today’s briefing:

Maine sovereignty regarding ocean geography and industry
Lobster fishery sustainability, and industry support and defense
Third-party influences and interference in Maine-based industries

Introduction (Sen. Stewart)

Background (Sen. Stewart)

Maine’s storied lobster fishing industry is a billion-dollar industry and a major part of the state’s ethos and heritage. One of the oldest organized fisheries in the nation, preservation efforts date as far back as 151 years ago when rules were adopted in 1872 that returned egg-bearing females. Since then, the industry has embraced size and other limitations to ensure the [Homarus americanus](#) population’s sustainability.

The [typical season](#) for most of Maine’s lobstermen is June to October when lobsters are closer to shore in their [preferred habitat](#) of up to 164 feet of water. When the water gets cold, however, they can move as far as 30 miles offshore where conditions are more challenging and dangerous for fishermen.

Years of [regulatory changes](#) have stressed the industry with the [mandated removal](#) of all surface float rope, weaker links and the [replacement of 27,000 miles](#) of floating ground line with whale-safe sinking line in 2009. The industry also underwent changes during the [past year](#) in the way lobstermen fish, from increasing the number of traps per buoy to incorporating weaker links and rope into their gear.

The industry has also been under assault by the Biden Administration through the [closure of about 967 square miles of winter lobstering waters](#) in the Gulf of Maine. The National Marine

Fisheries Service issued [new rules in August 2021](#) that closed a portion of the offshore lobster management fishing area stretching from just south of Bath to Blue Hill. The fisheries service said the ban of vertical fishing lines from October to January is an attempt to reduce the risk of entangling North Atlantic right whales.

Last year, several environmental activist groups decided to join the fray. Monterey Bay Aquarium's Seafood Watch [program](#) placed American Lobster on its "[red](#)" [list of species](#) to avoid in September because entanglement in fishing gear is "the leading cause of serious injury and death to North Atlantic right whales" despite [all evidence](#) pointing to the contrary.

There have been [34 confirmed dead-stranded whales](#) since 2017, including 21 first observed in Canadian waters and none observed in Maine, according to NOAA. The majority were due to unknown causes, while 11 involved vessel strikes and nine were the result of entanglements.

There also have been [20 serious injuries](#) to right whales in that time; and about half of all entangled whales in U.S. waters were first observed as far south as Florida and outside New England.

Then in November 2022, the Marine Stewardship Council issued [their own opinion](#) that, based on a recent court decision, Maine's lobster fishery was out of compliance with federal regulations and dropped the fishery's sustainability certification. Although changed by Congress in the 2023 Consolidated Appropriations Act that delayed the requirements for six years, the Council has refused to reverse its decision.

Maine sovereignty regarding geography and industry (Rep. Faulkingham)

Policy: Extend Maine territorial sovereignty further offshore to ensure a seamless regulatory environment consistent with State standards and goals.

Solutions to explore:

- Enable Maine to exercise its sovereignty over its territorial sea, the airspace above it and the seabed and subsoil beneath it.
- In its contiguous zone, enable Maine to exercise the control necessary to prevent the infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea, and punish infringement of those laws and regulations committed within its territory or territorial sea.
- Set maximum benefits within the contiguous zone to encourage labor participation

Legislation:

- An Act to Assert State Sovereignty over Ocean Waters up to 12 Miles off the State's Coast (Sen. Brakey)
- An Act to Allow Lobster Fishing in Federal Waters Under the Federal Endangered Species Act of 1973 (Rep. Adams)

Lobster fishery sustainability, and industry support and defense (Sen. Moore, Rep. Faulkingham, Rep. Thorne)

Policy: To identify threats that, based on third-party certifications, bans, boycotts, otherwise restricts or prevents the sale or distribution of any product that is legally produced, harvested or grown in the State.

Solutions to explore:

- To adjust state regulation to match industry conditions and sustainability
- To maximize work opportunities and long-term employment growth within the industry
- To provide for the support and defense of the lobster industry from legal threats

Legislation:

- An Act to Amend Eligibility for Commercial Menhaden Fishing Licenses (Rep. Faulkingham)
- An Act to Create a Restricted Senior Lobster and Crab Fishing License (Rep. Perkins)
- Act to Assist Lobster Fishing Apprentices to Obtain a License in 5 Years (Rep. Clint)
- An Act to Fund the Lobster Legal Defense Fund (Rep. Faulkingham)

Third-party influences and interference in Maine-based industries (Sen. Stewart, Rep. Faulkingham)

Policy: To identify threats that – based on third-party certifications – bans, boycotts, otherwise restricts or prevents the sale or distribution of any product that is legally produced, harvested or grown in the State.

Solutions to explore:

- To determine the influence or interference of environmental activist interests either within or outside the State of Maine
- To limit the extent of that influence or interference with removal of certain tax benefits
- To exclude those industries that self-regulate or self-certify at the consent or request of the producer, manufacturer or grower

Legislation:

- An Act to Divest State Pension Funds from Companies Boycotting Maine Lobster (Brakey)
- An Act to Amend the Laws Regarding Certain Business Equipment Tax Benefits (Sen. Stewart, Rep. Faulkingham)

Industry personnel remarks/updates (Maine Lobstering Union, Maine Lobstermen's Association)

Closing remarks, Q/A (Sen. Stewart)